



Federal Removals Assistance for Local Governments

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Do you have abandoned properties in your community that may contain drums, vats of chemicals or contaminated soil that provide an attractive nuisance for children and trespassers? Has your community spent valuable local funds to clean up a spill or release of a hazardous substance from a tire fire, truck accident, waste dump or an illegal drug lab?

While many Wisconsin communities would answer yes to those questions, the good news is there are resources available through the Wisconsin Department of Natural Resources (DNR) and U.S. Environmental Protection Agency (EPA) to help local governments with the cleanup and removal of hazardous substances or abandoned containers.

This fact sheet focuses on two EPA programs which provide assistance to municipalities and help supplement local emergency response – the Superfund Emergency Response Program and the Local Government Reimbursement Program.

Superfund Emergency Response Program

The EPA's Superfund Emergency Response Program can provide services to quickly respond at properties or situations that pose an immediate threat to human health or the environment from releases of hazardous materials.

The EPA can respond to emergency and non-emergency situations under this program. Emergency situations are called into the EPA by the DNR's Regional spill coordinators, or EPA is notified by the National Response Center (NRC).

Emergency incidents include transportation accidents (e.g. automobiles, trucks, trains, boats, airplanes), oil spills, and chemical fires, and groundwater contamination in both private and municipal wells.

Non-emergency situations can be referred to EPA through the DNR's Federal Removals Coordinator (FRC). These types of situations are screened for minimum requirements before being referred to EPA for assistance.

Non-emergency situations include abandoned facilities with drums or vats of chemicals; or areas that contain drums, lagoons, pits, contaminated soils, asbestos or lead paint.

Removal actions may also include securing sites to keep children and other trespassers off contaminated properties; providing bottled water or alternate water supplies to address contaminated drinking water sources; temporarily moving residents while cleanup efforts take place; and constructing barriers to prevent contamination from spreading.

While the first priority in a removal action is to eliminate dangers to the public – i.e. to make properties safe for those who live or work nearby – the EPA also responds to direct environmental threats which may seriously impact natural or economic resources.

The EPA's On-scene Coordinators (OSCs) are responsible for directing response actions and working with both local governments and the



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DNR, to coordinate efforts and resources in both emergency and non-emergency situations.

The EPA's goal is to make the responsible party (RP) conduct the removal actions. However, in an emergency situation where human health and the environment are affected, the EPA responds without delay.

When a non-emergency situation is referred to EPA for assistance, EPA staff will search for a responsible party (RP), current property owner, former property owner, or the operator of previous business on that property who may have been involved in the abandonment or disposal of hazardous materials.

If the RP is found, the federal agency will develop an agreement with the RP to clean up/remove the hazardous materials. If no RP is found, or if the RP is unwilling or unable to complete the work, EPA staff will use their own funding and perform the removal actions necessary to reduce the imminent threat.

Local Government Reimbursement Program

If a site or situation is too small to warrant an EPA removal action, the municipality may conduct the emergency response action and recover the costs through the EPA's Local Government Reimbursement (LGR) program.

This program allows local governments to apply for reimbursement of up to \$25,000 *per incident* when responding to the release or threat of release of hazardous substances. To qualify for reimbursement, EPA requires that the community provide proper documentation of costs and certification that the municipality does not have the money in their budget.

Reimbursement can include such costs as materials and supplies, renting or leasing equipment, special technical and laboratory services, evacuation services, decontamination of equipment, overtime pay for employees, and replacement of equipment lost or destroyed.

For more information on the EPA's LGR program, please call the 1-800-431-9209.

Questions & Answers about the Emergency Response Program

How Does A Site Or Situation Qualify For An EPA Removal Action?

First, the site or situation must pose an imminent threat to human health and/or the environment. Based on that threat, EPA assigns a response time frame for the removal action. There are two types of response time frames: 1) emergency action, and 2) non-emergency action.

An **emergency action** must be initiated within hours or days after completion of the initial assessment, regardless of cost or duration of the response. In these situations, a DNR warden and/or regional spills coordinator is part of the response team, as well as local first responders (i.e. police and fire departments).

A **non-emergency action** will be initiated within six months after the completion of the initial assessment or action memo – the action memo is the document that requests funding for the response action.

In some cases, a non-emergency action may be delayed for six months or more in order to allow completion of the preliminary assessment. A preliminary assessment is a report containing historical and current site information to determine the site conditions and whether a removal action is warranted.

When a non-emergency action is warranted, the DNR Federal Removals Coordinator (FRC) helps coordinate information and promotes communication between EPA and DNR staff. The FRC ensures that state concerns are addressed as appropriate and identifies any remaining follow-up issues.

Secondly, the hazardous substance levels posing the threat must be equal to or greater than the EPA's predetermined removal action limits (RALs).

What Types Of Situations Will EPA Respond To?

Examples where EPA would normally respond include:

- a fire in a chemical warehouse
- an abandoned industrial facility with hazardous materials in close proximity to a community
- an abandoned industrial dump which is isolated from public access but poses a groundwater threat

Other typical response actions include removal of drums, vats of chemicals and/or contaminated soils.

Are There Any Situations When EPA Cannot Take Action?

Yes. The EPA cannot take an action under the Emergency Response Program for situations with only petroleum contamination, asbestos-containing materials, or lead paint found intact in buildings. In addition, some situations may fit the criteria but may be too small to warrant an EPA response.

In some of those cases, the DNR may be able to provide emergency services. For more information, please refer to the fact sheet entitled *DNR Staff Provide Spill Response and Support* (publication #RR-559), which is available on line at: <http://dnr.wi.gov/aw/rr/archives/pubs/RR559.pdf>. Or contact the DNR's regional spills coordinator – contact information for spill coordinators and a map with the regional boundaries are located on page 4.

How Does EPA Fund Removal Actions?

Currently, funding for this program comes from the federal General Revenue fund. Prior to 1995, the funding came from taxes on petroleum and the production of a number of commercial chemicals.

Are there limitations to what EPA can do to cleanup a site or a release?

Yes. The EPA's Emergency Response Program only requires cleanup to reduce the imminent threat posed by the hazardous substance or situation. The removal action taken may not be

a complete cleanup of the site or situation. More cleanup work may be needed after the removal action is completed.

What happens to the property after the removal action is completed?

In some cases, the removal action addresses the threat completely and no follow-up action is required. In other cases, additional investigation and cleanup may be needed. The DNR will contact the responsible party, if known, to conduct an action, or the department may take an action and recover the cost from the responsible party, some times through legal action.

If a municipality takes title to the property after EPA conducted a removal action, will the municipality be responsible for the removal costs?

In most cases, EPA does not try to recover costs if redevelopment of the site is planned. However, there may be special cases where EPA may consider recovering the removal costs.

For More Information

To find out if your site qualifies for EPA removal assistance, please contact:

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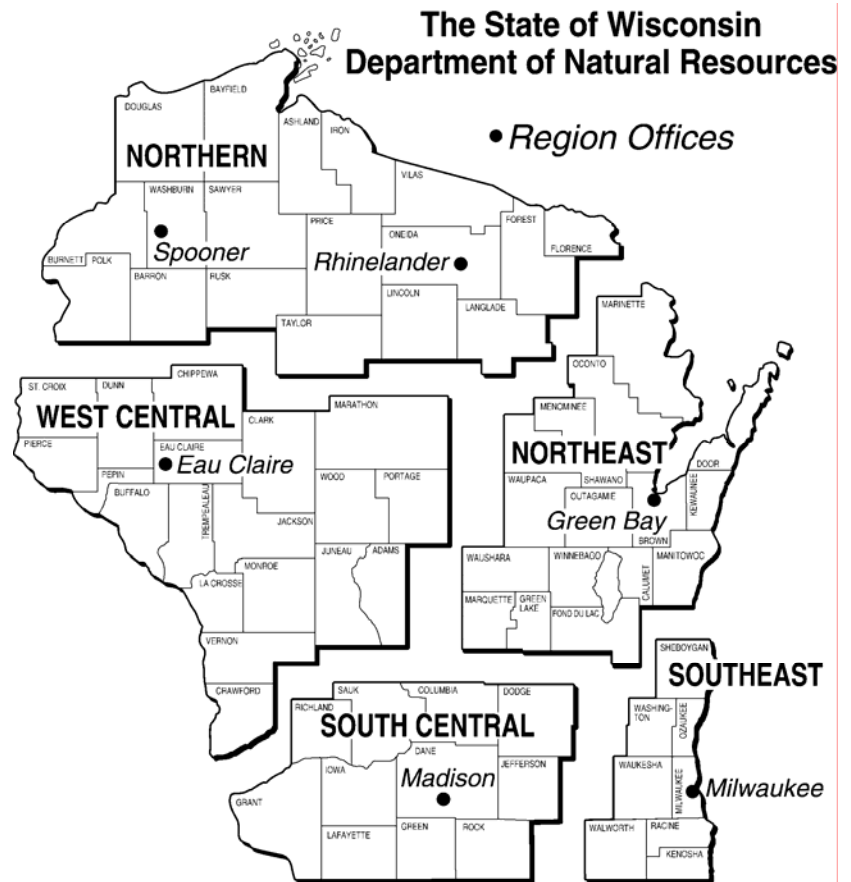
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This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions.

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